

Final Justification Statement  
ORD # 1115-12, Crisis Nurseries (CN) Regulations  
Section 100 Changes (Editorial)

Justification for Changes without Regulatory Effect:

This is an editorial package to be filed pursuant to the California Code of Regulations (CCR), Title 1 section 100. These changes make the regulations consistent with Health and Safety Code (H&S) sections 1502, 1516, 1526.8 and 1596.792 or, otherwise, do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any CCR provisions. The changes made are without regulatory effect in that they either delete a regulatory provision for which all statutory authority has been repealed, make a regulatory provision consistent with changes to California statutes, change authority or reference citations, revise grammar or correct typographical errors [1 CCR sections 100(a)(2), (a)(4), (a)(5) and (a)(6)].

These amendments are necessary to comply with Senate Bill (SB) 1214 (Chapter 519, Statutes of 2010), SB 1319 (Chapter 663, Statutes of 2012) and Assembly Bill (AB) 2228 (Chapter 735, Statutes of 2014).

The CNs are governed by CCR, Title 22, Division 6, Chapter 7.3 and defined therein as facilities licensed by the California Department of Social Services (CDSS) pursuant to H&S Code section 1516 to provide short-term, 24-hour non-medical residential care and supervision for children under six years of age who are either: voluntarily placed, as defined, by a parent or legal guardian due to a family crisis or a stressful situation for no more than 30 days or who are temporarily placed by the county child welfare services agency, as defined, for no more than 14 days, unless CDSS issues an exception. The aforementioned regulations have been superseded in part by statute as detailed below.

The SB 1214 (Chapter 519, Statutes of 2010) amended H&S Code sections 1526.8 and 1596.792 and amended, added and repealed Section 1516 related to the licensing of CNs pursuant to the Community Care Facilities Act. The SB 1214 also amended Sections 11400.1, 11402 and 11462.7 of the Welfare and Institutions (W&I) Code relating to child welfare agency placements in CNs. As of January 1, 2011, the bill specified that "voluntary placement" in a CN does not include placement of a child who has been removed from the care and custody of his or her parent or legal guardian and placed in foster care by a child welfare services agency. As of July 1, 2012, the bill changed the definition of "crisis nursery" to include only facilities that accept voluntary placements, as defined, and not placements by a county child welfare services agency. Starting July 1, 2012, the bill prohibited children placed in CNs from receiving Aid to Families with Dependent Children-Foster Care reimbursement. The bill amended Section 1596.792 of the H&S Code to exclude a CN from the application of the Child Day Care Facilities Act. Effective July 1, 2012, the bill amended reporting requirements, no longer requiring the facility to submit monthly reports to CDSS, but instead, to collect and maintain the following information to be made available to CDSS upon request: the total number of children placed in the program, the length of stay for each child, the reasons given for use of the CN and the age of each child. Effective July 1, 2012, the bill eliminated certain limitations on licensure

of a CN. The bill provided for the sun-setting of CNs and related provisions as of January 1, 2014.

Effective January 1, 2013, SB 1319 (Chapter 663, Statutes of 2012) amended H&S Code sections 1516, 1526.8 and 1596.792 related to CNs, repealing the January 1, 2014 sunset dates. The repeal of these sunset dates made CNs a permanent licensing category under the Community Care Facilities Act and permanently excluded CNs from application of the Child Day Care Facilities Act.

Effective January 1, 2015, AB 2228 (Chapter 735, Statutes of 2014) amended Sections 1502, 1516, 1526.8 and 1596.792 of the H&S Code related to CNs. Amendments to Section 1502 added a definition of a CN as follows: "'Crisis Nursery' means a facility licensed by the department to operate a program pursuant to Section 1516 to provide short-term care and supervision for children under six years of age who are voluntarily placed for temporary care by a parent or legal guardian due to a family crisis or stressful situation." Amendments to Section 1516 did the following:

- Specified that a CN may provide both a crisis residential overnight program and crisis day services.
- Added a definition for "crisis residential overnight program."
- Replaced the term "crisis day care services" with the term "crisis day services" and amended the definition.
- Added provisions related to capacity, including that the maximum licensed capacity for crisis day services be based on 35 square feet of indoor activity space per child, as specified.
- Retained the capacity limit of 14 children for the crisis residential overnight program.
- Allowed the time-limit on crisis day services (30 days over six months) to be calculated either daily or hourly.
- Limited the number of exceptions that the Department may grant to the time-limit on crisis day services to no more than two exceptions, in seven-calendar day or 84-hour increments, in a six-month period.
- Required the Department, upon receipt of an exception request as specified, to approve or deny an exception request within five working days.
- Required a CN to include in its plan of operation the hours (not to exceed 14 hours per day) during which it may provide crisis day services, as well as its sleeping arrangements for children present after 7:00 p.m.
- Added a definition for "voluntarily placed."

Amendments to Section 1526.8 revised requirements related to paid staff and volunteer training and qualifications, reduced staff-to-child ratios for older children, required a CN's plan of operation address in how it will deal with unexpected circumstances related to staffing and ensure that additional caregivers are available when needed, specified requirements for prescription and nonprescription medications, as well as codified numerous regulatory requirements.

Amendments to Section 1596.792(n) added a reference to Section 1502's definition of "crisis nursery."

In order to comply with the provisions of these statutes and bring the regulations into conformity with the law, Community Care Licensing (CCL) is revising the CN regulations as follows:

### **Health and Safety Code section 1502**

Section 86500(a) and the definition of "crisis nursery" in Section 86501(c) have been amended to insure that the regulatory definitions mirror the new statutory definition in H&S Code section 1502.

### **Health and Safety Code section 1516**

Statutory changes made in H&S Code section 1516 necessitate repealing or amending numerous sections that reference or apply only to county placements, including use of the following terms: "county placement," "placement agency," "placement agreement," "admission agreement," "placement worker," "social worker" and "basic rate." Some sections that make reference to a third party have also been amended or repealed, as children can now only be placed in CNs by a parent or legal guardian.

The definition of "Voluntary Placement" in Section 86501(v) has been changed to "Voluntarily Placed" to conform to statute.

Because the definition of "Crisis Day Care Services" has changed to "Crisis Day Services," references to the former have been changed to "crisis day services" throughout the regulations accordingly and the definition of "Crisis Day Services" in Section 86501(c) has been amended to conform to statute. A definition for "Crisis Residential Overnight Program" has been added to Section 86501(c) to conform to statute. Sections 86580 and 86587 have been revised as necessary to conform the regulations governing a CN's crisis day services to statute.

New statutory requirements that a CN providing crisis day services must include in its plan of operation have been added to Section 86522. New statutory limitations on exceptions CDSS may grant a CN and the time in which CDSS has to approve or deny exception requests have been added to Section 86524. Section 86528 has been revised to clarify that the maximum licensed capacity of 14 applies to the crisis residential overnight program and Sections 86528, 86587.1 and 86587.2 have been amended to reflect that the maximum capacity for crisis day services is based on square footage as specified in the statute. The reporting requirements detailed in Section 86561(h) – re-lettered to (g) because of repealed "county placement" language – have been amended to conform to statute. The term "legal guardian" has been added to Section 86568.1(b)(1) for consistency with statute and uses of the term "guardian" in Sections 86568.2 and 86568.4 have been changed to "legal guardian" for consistency as well.

## **Health and Safety Code section 1526.8**

Amendments have been made to the training and education requirements for paid staff and volunteers to conform to new statutory requirements for staffing, training and plan of operation codified in H&S Code section 1526.8. Additionally, Section 86500(c) referencing the repealed January 1, 2014 sunset dates has been struck and Sections 86501(c)(4) and 86565.5 have been revised to reflect the statutory changes to the child-staff ratio and related requirements. Regulations governing the storage and administration of prescription and non-prescription medications and associated record-keeping requirements have been amended in Sections 86575 and 86570 to conform to changes made by AB 2228.

Amendments to handbook and to the forms LIC 9219 and LIC 9219A have been made to conform to statutory changes as set forth above.

## **Justification of specific changes**

Section 86500(a) is amended for consistency with H&S Code section 1516(a), which states in part that "[n]otwithstanding Section 1596.80, a crisis nursery may also provide crisis day services" and H&S Code section 1596.792(n), which excludes CNs from application of the Child Day Care Facilities Act.

Section 86500(c) is deleted for consistency with changed statute, in response to the repeal of the sunset date for CNs [H&S Code section 1516(i) as amended by SB 1319 (Chapter 663, Statutes of 2012)].

The H&S Code section 1516(k) is deleted from the authority citations in 86500, as this subdivision was deleted in SB 1214 (Chapter 519, Statutes of 2010) and no longer exists.

Section 86501(a)(6) is amended for consistency with changed statute: H&S Code sections 1502 and 1516 as amended by SB 1214 (Chapter 519, Statutes of 2010) and AB 2228 (Chapter 735, Statutes of 2014). Section 1502(a)(15)'s definition of a "crisis nursery" limits CNs to serving only children who are "voluntarily placed." Likewise, Section 1516, Subdivisions (h)(1) and (2)'s definitions for "crisis residential overnight program" and "crisis day services" also specify that the children be "voluntarily placed." Section 1516(h)(3) defines "voluntarily placed" as ". . . a child, who is not receiving Aid to Families with Dependent Children-Foster Care, placed by a parent or legal guardian who retains physical custody of, and remains responsible for, the care of his or her children who are placed for temporary emergency care." Further, "'[v]oluntarily placed' does not include placement of a child who has been removed from the care and custody of his or her parent or legal guardian and placed in foster care by a child welfare services agency." Thus, changes to Section 1516 necessitate repealing or amending numerous sections that reference or apply to county placements, including use of the term "public placement agency."

Section 86501(b)(1) is deleted for consistency with changed statute. As H&S Code section 1516(h) [as amended by SB 1214 (Chapter 519, Statutes of 2010)] no longer permits CNs to accept county placements and the W&I Code sections related to placement of and payment for

foster children placed in CNs were repealed, it is necessary to delete references to terms such as "basic rate," which apply to county placements. "Basic rate" is child welfare terminology used in the W&I Code specific to Aid to Families with Dependent Children grant payment computation. Its existing use in CN regulations [Section 86568.1(d)(3)(A)] is deleted in this package.

Section 86501(b)(2) is renumbered to (b)(1) because existing (b)(1) is deleted.

Section 86501(c)(4) is amended for consistency with changed statute. The H&S Code section 1526.8(c)(3) [as amended by AB 2228 (Chapter 735, Statutes of 2014)] changed the maximum number of older children a caregiver could oversee from three to six, as specified, necessitating an amendment of the superseded ratio in the definition of "Caregiver." As the ratio requirements are not a necessary part of the definition and are amended in the appropriate Section 86565.5 (Staff to Child Ratios), they are deleted here.

Section 86501(c)(14), the definition for "county placement," is deleted for consistency with changed statute: H&S Code section 1516(h) [as amended by SB 1214 (Chapter 519, Statutes of 2010)], which no longer permits CNs to accept county placements.

Section 86501(c)(15) is renumbered to (c)(14) because existing (c)(14) is deleted.

In Section 86501, Subsections (c)(16) and (c)(16)(A), definition of "crisis nursery," are condensed and renumbered to (c)(15) for clarity – (c)(15) was renumbered to (c)(14) because existing (c)(14) is deleted – and amended for consistency with changed statute: H&S Code sections 1502(a)(17) and 1516(a) [as amended by AB 2228 (Chapter 735, Statutes 2014)].

Section 86501(c)(16)(B), which refers to county child welfare services agency placements, is deleted for consistency with H&S Code section 1516(h) [as amended by SB 1214 (Chapter 519, Statutes of 2010)], which no longer permit CNs to accept county placements.

In Section 86501(c)(17), the definition of "Crisis Day Care" is renumbered to (c)(16) for clarity – (c)(16) was renumbered to (c)(15) – and amended to "Crisis Day Services" for consistency with changed statute: H&S Code section 1516(h)(1) [as amended by AB 2228 (Chapter 735, Statutes of 2014)]. The requirement in Section 1516(h)(1) that the facility's plan of operation assure sleeping arrangements for children present after 7 p.m. is included in the regulatory section pertaining to the Plan of Operation at Section 86522(d)(1).

In Section 86501(c)(17), the definition of "Crisis Residential Overnight Program," is added for consistency with changed statute: H&S Code section 1516(h)(2) [as amended by AB 2228 (Chapter 735, Statutes of 2014)].

Section 86501(n)(1)(A) is amended for internal consistency, reflecting the renumbering of Sections 86572(a)(18) to (a)(17).

Section 86501(p)(2) and Handbook are deleted for consistency with changed statute: H&S Code section 1516(h) [as amended by SB 1214 (Chapter 519, Statutes of 2010) and AB 2228 (Chapter 735, Statutes of 2014)], which only permit children who are "voluntarily placed," as defined, and

no longer permits CNs to accept county placements. This change necessitates removing references that apply to county placements, including use of the term "placement agency."

Section 86501(p)(3) is renumbered to (p)(2) as existing (p)(2) is deleted.

Section 86501(r)(3) is amended for consistency with changed statute: H&S Code section 1516(h) [as amended by SB 1214 (Chapter of 519, Statutes of 2010) and AB 2228 (Chapter 735, Statutes 2014)], only permits children "voluntarily placed," as defined, and no longer permits CNs to accept county placements. Thus, it is necessary to delete references to terms such as "placement agency" that apply to county placements for consistency with the definition of "voluntarily placed."

In Section 86501(v)(1), the definition of "voluntary placement" is amended to "voluntarily placed" for consistency with changed statute: H&S Code section 1516(h)(3) [as amended by AB 2228 (Chapter 735, Statutes of 2014)].

The H&S Code section 1536.1, which pertains to "placement agencies," is deleted from the reference citations for Section 86501 because the definition for "placement agency" and references to this term have been struck in 86501 for consistency with changed statute.

The W&I Code section 11400, which defines terms relating to AFDC-Foster Care, is deleted from the reference citations for Section 86501. As CNs may no longer accept county placements and are not eligible for AFDC-FC payments, this reference is no longer relevant to CNs.

Section 86501.5(a)(19) is amended to reflect the newest version of the revised LIC 9219 form, Crisis Nursery Monthly Report.

Section 86501.5(a)(20) is amended to reflect the newest version of the revised LIC 9219A form and for consistency with changed statute, H&S Code sections 1516(e) and (h), as amended by AB 2228 (Chapter 735, Statutes of 2014), which changed "crisis day care services" to "crisis day services."

A reference for reporting requirements, H&S Code section 1516(d) is added to the reference citations in Section 86501.5, Definitions and Forms.

Section 86505.1(b) is deleted for consistency with statute in response to the repeal of the limitations of licensure in H&S Code section 1516(j) by SB 1214 (Chapter 519, Statutes of 2010). The remaining Subdivision (a) still falls under the heading of "Crisis Nursery License Requirements."

The H&S Code section 1513 is deleted from the reference citations for Section 86505.1, as it deals with the sale or exchange of licenses or special permits, which are not mentioned in this section.

The W&I Code section 11400, which defines terms relating to AFDC-Foster Care, is deleted from the reference citations for Section 86505.1. Because CNs may no longer accept county

placements and are not eligible for AFDC-FC payments, this reference is no longer relevant to CNs.

Section 86506(f) is amended for consistency with changed statute: H&S Code section 1516 [as amended by SB 1214 (Chapter 519, Statutes of 2010) and AB 2228 (Chapter 735, Statutes of 2014)] no longer permit CNs to accept county placements, thus, it is necessary to delete references to terms such as "placement (agency)" that apply to county placements.

Section 86522(b)(5) is amended for consistency with changed statute: H&S Code section 1516 [as amended by SB 1214 (Chapter 519, Statutes of 2010) and AB 2228 (Chapter 735, Statutes of 2014)], which no longer permits CNs to accept county placed children. Therefore, it is necessary to delete references to "county placed children" and requirements that apply to county placed children, such as the admission agreement in (b)(5).

Section 86522(b)(7)(C), which requires a description of how the CN will deal with unexpected circumstances related to staffing to be included in the Plan of Operation, is added for consistency with changed statute: H&S Code section 1526.8(c)(3)(D), amended by AB 2228 (Chapter 735, Statutes of 2014).

Section 86522(b)(8) is amended for consistency with changed statute: H&S Code section 1526.8(a)(2), amended by AB 2228 (Chapter 735, Statutes of 2014).

Section 86522(b)(14) is amended to correct a grammatical error (family member's should be family members').

Sections 86522(d) and (d)(1) are added for consistency with H&S Code section 1516(h)(1), amended by AB 2228 (Chapter 735, Statutes of 2014), which requires a CN providing crisis day services to define in its plan of operation the time period during which it will provide crisis day services, not to exceed 14 hours per day, and to assure, in the plan of operation, that sleeping arrangements are available for children there after 7 p.m.

Subsections 86522(d) and (e) are re-lettered to (e) and (f) to accommodate the addition of a new (d).

The H&S Code section 1526.8 is added in the reference citations as it is the basis for the requirements in Sections 86522(b)(7)(C) and (b)(8).

Sections 86524(c) and (d) are amended for consistency with changed statute: H&S Code section 1516 was amended by AB 2228 (Chapter 735, Statutes of 2014) to add an exception process specific to crisis day services. Thus, these amendments are necessary to ensure that existing timelines for other waivers and exceptions, which are inconsistent with the changed statute, do not apply to the new exception requirement [See Section 1516(e)(2), detailed in 86524(e)]. A typographical error ("or" to "of") is also corrected in 86524(c).

Sections 86524(e) and (e)(1) are added for consistency with changed statute: H&S Code section 1516(e)(1), (2) and (3) [as amended by AB 2228 (Chapter 735, Statutes of 2014)]. The statutory

requirement from H&S Code section 1516(e)(2) included in 86524(e) referring to "supporting documentation as required by the Department," while not reflected in current regulations, is not a departure from current Department policy on exceptions. Currently, exception requests are dealt with on a case-by-case basis by the Department, a fact unchanged by this regulations package. There are no uniform requirements about what specific documents will be required (if any) after receipt of an exception request.

Section 86524(e)(2) is added for internal consistency. The requirement for a licensee to maintain the Department's written approval or denial of the exception request in the CN file is an existing requirement [Section 86524(d)(1)] that applies to all waiver and exception requests. In order to retain this current requirement for exception requests made pursuant to (e), the same language is added to (e)(2).

Section 86528(a)(1) is amended for consistency with H&S Code section 1516(f)(2) [as amended by AB 2228 (Chapter 735, Statutes of 2014)].

Section 86528(a)(3) is added for consistency with H&S Code section 1516(f)(1)(A) [as amended by AB 2228 (Chapter 735, Statutes of 2014)].

Section 86528(a)(4) is added for consistency with H&S Code section 1516(f)(1)(B) [as amended by AB 2228 (Chapter 735, Statutes of 2014)].

Section 86528(a)(5) is added for consistency with H&S Code section 1516(f)(3) [as amended by AB 2228 (Chapter 735, Statutes of 2014)].

Section 86528(f) (inclusive) is deleted for consistency with changed statute: H&S Code section 1516, as amended by SB 1214 (Chapter 519, Statutes of 2010) and AB 2228 (Chapter 735, Statutes of 2014), no longer permits CNs to accept county placements.

Section 86561(e) is amended for consistency with changed statute. As H&S Code section 1516, amended by SB 1214 (Chapter 519, Statutes of 2010) and AB 2228 (Chapter 735, Statutes of 2014), only permits children "voluntarily placed," as defined, and no longer permits CNs to accept county placements, it is necessary to delete references to terms such as "placement agencies" and "placement agreements" that apply to county placements.

Sections 86561(h) and (h)(1) are amended for consistency with H&S Code section 1516, as amended by SB 1214 (Chapter 519, Statutes of 2010), to require the licensee to collect and maintain specified information to be made available to the Department upon request, superseding the requirement that licensees submit monthly reports. The previous reference in Section 86561(h)(1) to whether each child is "(a) voluntarily [*sic*] or county placement" is deleted for consistency with changed statute: H&S Code sections 1502(a)(17) and 1516, as amended by SB 1214 (Chapter 519, Statutes of 2010) and AB 2228 (Chapter 735, Statutes of 2014), which holds that all children served in a CN are voluntarily placed.



Section 86561(h)(3) is amended for consistency with H&S Code sections 1516(e) and (h), as amended by AB 2228 (Chapter 735, Statutes of 2014), which changed "crisis day care services" to "crisis day services."

Sections 86561(h)(4) and (5) are added for consistency with H&S Code section 1516(d).

Section 86561(h)(4) is renumbered to (h)(6) to accommodate the addition of a new (h)(4) and (5) and is amended for consistency with H&S Code section 1516(d).

The H&S Code section 1520.1 is deleted from the reference citations for 86561, as it applies to group homes and is not relevant to CNs.

The W&I Code section 11406(c) is deleted from the reference citations for 86561, as this section was repealed by SB 111 (Chapter 193, Statutes of 2004).

Section 86565(n) is amended for consistency with changed statute: H&S Code section 1526.8(a)(1), as amended by AB 2228 (Chapter 735, Statutes of 2014).

Sections 86565(q)(1) and (q)(1)(A) are amended for consistency with changed statute: H&S Code section 1526.8(a)(3)(A), as amended by AB 2228 (Chapter 735, Statutes of 2014).

Sections 86565(q)(1)(B), (q)(2)(A) and (q)(3)(A) are deleted for consistency with H&S Code sections 1526.8(a)(3)(A), (B) and (C), which details the education and experience qualifications required of the Lead Caregiver. The H&S Code 1526.8(a)(3)(A) does not include reference to coursework in the study of abused and drug exposed children. These subparagraphs are deleted so that 86565(q) aligns with statute.

Section 86565(q)(2) is amended for consistency with H&S Code section 1526.8(a)(3)(B), as amended by AB 2228 (Chapter 735, Statutes of 2014).

Section 86565(r)(1) is added and Section 86565(s) is amended for consistency with H&S Code section 1526.8(a)(4), as amended by AB 2228 (Chapter 735, Statutes of 2014).

Sections 86565(s)(A) and (B) are renumbered to (1) and (2) to correct a typographical error.

Sections 86565(u)(1) and (u)(2) are amended for consistency with H&S Code section 1526.8(a)(5). Current Section 86565(u)(2) already requires 16 of the 24 hours of initial training to be completed "within 90 days of hire." Thus, CDSS only needed to add the 90 day requirement to the other eight hours of training [Section 86565(u)(1)]. Section 86565(u)(2) has been amended ("hire" changed to "employment") for internal consistency with H&S Code section 1526.8(a)(5).

Sections 86565(u)(1)(A)3. and (u)(1)(C)2. are amended for internal consistency, reflecting the addition of a new 86565.5(b), which necessitated the reference to 86565.5(b) through (d) to be amended to 86565.5(b) through (e).

Section 86565(u)(2)(B)10. is amended for consistency with changed statute. As H&S Code section 1516(h), as amended by SB 1214 (Chapter 519, Statutes of 2010) and AB 2228 (Chapter 735, Statutes of 2014, no longer permits CNs to accept county placements, it is necessary to delete references to terms such as "placement workers" that apply to county placements.

Section 86565(v)(2)(I) is deleted for consistency with changed statute. As H&S Code section 1516(h), as amended by SB 1214 (Chapter 519, Statutes of 2010) and AB 2228 (Chapter 735, Statutes of 2014), no longer permits CNs to accept county placements, it is necessary to delete references to terms such as "placement agencies" and "the placement process," which apply to county placements.

Section 86565(v)(2)(J) is re-lettered to (I) as existing (v)(2)(I) is deleted.

Section 86565(w) is amended for consistency with H&S Code sections 1526.8(b)(4) and (b)(6)(A), as amended by AB 2228 (Chapter 735, Statutes of 2014).

Sections 86565(w)(1) and (w)(1)(A) through (C), inclusive, are amended for consistency with H&S Code section 1526.8(b)(5), as amended by AB 2228 (Chapter 735, Statutes of 2014).

Sections 86565(w)(2) and (w)(2)(A) and (B) are amended for consistency with H&S Code section 1526.8(b)(6), as amended by AB 2228 (Chapter 735, Statutes of 2014).

Section 86565(w)(3) is amended for consistency with changed statute: H&S Code sections 1526.8(b)(5) and (6), as amended by AB 2228 (Chapter 735, Statutes of 2014). The "eight hour and 20 hour training" requirements referred to in (w)(3) were changed in H&S Code section 1526.8(5) (from eight to five hours of initial training) and Section 1526.8(b)(6) (from 20 hours with 12 hours in pediatric first aid and pediatric CPR and eight hours of specified training to a certification in pediatric first aid and pediatric CPR and eleven hours of specified training). Thus, the references in (w)(3) to these now superseded hour requirements must be changed and the changes are consistent with the changes to (w)(1) and (w)(2). However, the requirement that the administrator or designee assess if each volunteer understands and can apply the training within 30 days of completion was not superseded by statute.

Sections 86565(x) and (x)(1) are amended for consistency with H&S Code section 1526.8(b)(7). The reference in Section 86565(x)(1)(C) to Sections 86565.5(c) through (e) is amended for internal consistency to 86565.5(d) through (f), reflecting the addition of a new 86565.5(b), which necessitated the re-lettering.

The H&S Code section 1596.866 is deleted from the reference citations for Section 86565, as it applies to the Child Day Care Facilities Act. The CNs are exempt from this act and it is, therefore, not relevant.

The W&I Code section 11467.1 is deleted from the reference citations for Section 86565, as it applies to group homes for foster children under six and is no longer relevant to CNs.

Section 86565.5(a) is amended for consistency with H&S Code section 1526.8(a)(3).

Section 86565.5(b) (inclusive) is added for consistency with H&S Code sections 1526.8(b) and (c)(1-2) and for internal consistency with Section 86565(x)(1)(C).

Sections 86565.5(b) through (f) are re-lettered to accommodate the addition of the new 86565.5(b).

Sections 86565.5(d) (formerly c) is amended for consistency with H&S Code section 1526.8(c)(3)(A).

Sections 86565.5(e) (formerly d) is amended for consistency with H&S Code section 1526.8(c)(3)(B).

Section 86565.5(g) is added for consistency with H&S Code section 1526.8(c)(3)(D), as amended by AB 2228 (Chapter 735, Statutes of 2014), and a reference to Section 86522(b)(7)(C) is added for internal consistency and clarity.

Section 86568.1(c) is amended to delete "or placement" for consistency with H&S Code section 1516(h), as amended by SB 1214 (Chapter 519, Statutes of 2010) and AB 2228 (Chapter 735, Statutes of 2014), which no longer permits CNs to accept county placements.

Section 86568.1(c)(1) is amended for internal consistency, reflecting the renumbering of 86570(b)(1) through (16) to (b)(1) through (15).

Section 86568.1(c)(1)(A) is deleted for consistency with H&S Code section 1516(h), as amended by SB 1214 (Chapter 519, Statutes of 2010) and AB 2228 (Chapter 735, Statutes of 2014), which no longer permits CNs to accept county placements.

Section 86568.1(c)(2) is amended for consistency with H&S Code section 1502(a)(17). The definition of "crisis nursery" provides, "...children under six years of age who are voluntarily placed for temporary care by a parent or *legal* guardian..." The guardian admitting the child and filling out the form described in (c)(2) would be the legal guardian as described in H&S Code section 1502(a)(17).

Sections 86568.1(d) and (d)(1) through (5) are deleted for consistency with H&S Code section 1516(h), as amended by SB 1214 (Chapter 519, Statutes of 2010) and AB 2228 (Chapter 735, Statutes of 2014), which no longer permits CNs to accept county placements. Section 86568.1(d) explicitly deals with county placements.

Section 86568.1(d)(6) is amended and retained as 86568.1(d) for consistency with H&S Code section 1512, which applies to all residential community care facilities, as specified, and not just those serving county placed children.

Section 86568.1(e) is deleted for consistency with H&S Code section 1516(h), as amended by SB 1214 (Chapter 519, Statutes of 2010) and AB 2228 (Chapter 735, Statutes of 2014), which

prohibits CNs from accepting county placements. "Admissions agreement" is a term of art used in reference to county placements.

Sections 86568.2(a) and (b) are amended for consistency with H&S Code section 1516(h), as amended by SB 1214 (Chapter 519, Statutes of 2010) and AB 2228 (Chapter 735, Statutes of 2014), and for clarity by replacing the term "placement" with "admission." A child is "admitted" to a CN, as stated in Section 86568.1(c).

Section 86568.2(c) is amended for consistency with H&S Code section 1502(a)(17), as amended by AB 2228 (Chapter 735, Statutes of 2014). The definition of "crisis nursery" provides, "...children under six years of age who are voluntarily placed for temporary care by a parent or *legal* guardian..." The guardian in question here would be the legal guardian admitting the child.

Sections 86568.4(a)(1) and (b) are amended for consistency with H&S Code section 1502(a)(17), as amended by AB 2228 (Chapter 735, Statutes of 2014). The definition of "crisis nursery" provides, "...children under six years of age who are voluntarily placed for temporary care by a parent or *legal* guardian..." The guardian in question here would be the legal guardian admitting the child.

Section 86568.4(b) is also amended for consistency with H&S Code section 1516(h), which no longer permits county placements [SB 1214 (Chapter 519, Statutes of 2010)] and for clarity by substituting "removed or discharged" for "placed elsewhere." "Placed elsewhere" refers to a county placed child who is placed elsewhere when a placement is unsuitable. The phrase "removed or discharged" is consistent with current regulations (see Title, "Removal and Discharge procedures).

Section 86570(b)(6) is deleted for consistency with H&S Code section 1516(h), which prohibits CNs from accepting county placements, as it concerns "admissions agreements," a term of art used in reference to county placements.

Sections 86570(b)(7) through (16) are renumbered to (b)(6) through (15), as existing (b)(6) is deleted.

Section 86570(b)(7) (formerly 8) is amended for consistency with statute: H&S Code sections 1526.8(e)(1)(D)(i) and (e)(2)(B)(i), as amended by AB 2228 (Chapter 735, Statutes of 2014), require that documentation of approval and instructions from the child's authorized representative for administration of prescription and non-prescription medications be kept in the child's record. Section 86570(b)(7) (formerly 8) is amended to include the new statutory requirements and cross-reference the appropriate regulations in Section 86575, Health Related Services, for internal consistency.

Section 86570(b)(8) (formerly 9) is amended for consistency with H&S Code section 1516(h), as amended by SB 1214 (Chapter 519, Statutes of 2010) and AB 2228 (Chapter 735, Statutes of 2014), which no longer permits county placements and for internal consistency by substituting

the term "admission" for "the current placement." A child is "admitted" to a CN [see existing Section 86568.1(c)].

Section 86570(d)(1)(B) is amended for internal consistency, reflecting the renumbering of Sections 86570(b)(7) to (b)(6).

Section 86570(d)(1)(C) is amended for internal consistency, reflecting the renumbering of 86570(b)(8) to (b)(7).

Section 86570(d)(1)(D) is amended for internal consistency, reflecting the renumbering of 86570(b)(16) to (b)(15).

Section 86570(e) is amended for internal consistency, reflecting the renumbering of 86570(b)(15) to (b)(14).

The H&S Code section 1526.8 is added to the reference citations for Section 86570, as Section 1526.8(e) is the basis for the new record keeping requirement related to prescription and nonprescription medications cross-referenced in 86570(b)(7).

Sections 86572(a)(3) and (a)(12) (formerly 13) are amended and (a)(11) and (a)(19) are deleted for consistency with changed statute. As H&S Code section 1516(h), as amended by SB 1214 (Chapter 519, Statutes of 2010) and AB 2228 (Chapter 735, Statutes of 2014), only permits children "voluntarily placed," as defined, and no longer permits CNs to accept county placements, it is necessary to delete references to the terms "placement," "placement worker," "the State Foster Care Ombudsman," "foster youth advocates and supporters," "Court Appointed Special Advocates (CASA)" and references to child welfare system personnel (attorneys, social workers, probation officers, judge), which apply only to county placed children. Sections 86572(a)(11) and (a)(19) echo W&I Code sections 16001.9(a)(6) and (a)(17), which are rights guaranteed to foster children, whom CNs no longer serve.

Section 86572(a)(12) [formerly (13)] is also amended ("these" to "this") to make grammatical sense following the other amendment.

Sections 86572(a)(12) through (a)(18) are renumbered to (a)(11) through (a)(17) as existing (a)(11) is deleted.

Section 86572(a)(13) [formerly (14)] is amended for consistency with H&S Code section 1516(h) and for clarity by substituting the term "authorized representative" for "placement worker." As CNs are prohibited from accepting county placements, it would be the authorized representative (the parent or legal guardian) making such a decision. The definition of "authorized representative" is found in Section 86501(a)(6) and is also amended in this package.

As Section 86572(a)(19) is deleted, Sections 86572(a)(20) and (21) are renumbered to (a)(18) and (a)(19), as existing (a)(19) and (a)(11) are deleted.

Sections 86575(b)(3) and (4) [formerly (7)] are amended for grammatical consistency with 86575(b).

Sections 86575(b)(4) and (5) are moved for consistency with changed statute in H&S Code section 1526.8(e), as amended by AB 2228 (Chapter 735, Statutes of 2014, to Section 86575(c) and (d), respectively, for clarity and ease of use by licensees. The regulations now enumerate requirements specific to prescription or nonprescription medications in Sections 86575(c) and (d), respectively.

Section 86575(b)(6) is deleted for consistency with H&S Code section 1526.8(e)(3), which sets forth statutory requirements for documenting medication administrations, addressed in these regulations as Section 86575(e). Section 86575(b)(7) is renumbered to (4) accordingly.

Section 86575(c) (inclusive) is deleted for consistency with H&S Code section 1526.8(e)(4), as amended by AB 2228 (Chapter 735, Statutes of 2014). Section 1526.8(e) added new requirements on medication disposal, as addressed in 86575(f). The existing requirements in 86575(c) relating to the destruction of medications and the recording thereof are thus superseded by statute.

Sections 86575(c) and (c)(1) are added for consistency with H&S Code sections 1526.8(e)(1)(A), (B), (C) and (D), as amended by AB 2228 (Chapter 735, Statutes of 2014), and for internal consistency with 86575(b).

Sections 86575(c)(1)(A) and (B) are added for consistency with H&S Code sections 1526.8(e)(1)(D)(i) and (ii), respectively [AB 2228 (Chapter 735, Statutes of 2014)].

Section 86575(b)(5) is re-lettered to 86575(d) for clarity and amended for consistency with changed statute: H&S Code section 1526.8(e)(2), as amended by AB 2228 (Chapter 735, Statutes of 2014).

Sections 86575(d)(1) and (d)(1)(A) and (B) are added for consistency with H&S Code sections 1526.8(e)(2)(A) and (e)(2)(B)(i) and (ii), as amended by AB 2228 (Chapter 735, Statutes of 2014).

Section 86575(e) is added for consistency with H&S Code section 1526.8(e)(3), as amended by AB 2228 (Chapter 735, Statutes of 2014).

Section 86575(f) is added for consistency with H&S Code section 1526.8(e)(4), as amended by AB 2228 (Chapter 735, Statutes of 2014).

Section 86575(d) is re-lettered to (g) for clarity and amended for consistency with H&S Code section 1526.8(a)(1), as amended by AB 2228 (Chapter 735, Statutes of 2014), as well as for internal consistency with Section 86565(n).

Section 86575(g)(1) [formerly (d)(1)] is amended for consistency with H&S Code section 1526.8(a)(1), as amended by AB 2228 (Chapter 735, Statutes of 2014).

Sections 86575(e) and (f) are re-lettered to (h) and (i) for clarity to accommodate the addition of the new and re-lettered Subsections (c) through (f).

The H&S Code section 1526.8 is added to the reference citations for Section 86575, as it is the basis for the prescription and nonprescription medication revisions in 86575.

Section 86577(d)(1) is amended for consistency with H&S Code section 1516(h), as amended by SB 1214 (Chapter 519, Statutes of 2010) and AB 2228 (Chapter 735, Statutes of 2014). The H&S Code sections 1516(h)(1) and (2) limits CNs to serving only children who are "voluntarily placed" and specifies in (h)(3) that "voluntarily placed" does not include a child who has been removed from the care and custody of his or her parent or legal guardian and placed in foster care by a child welfare services agency. Thus, changes to H&S Code section 1516 necessitate repealing or amending numerous sections that reference or apply to child welfare services agency placements including use of the term "placing agency." A "placing agency" would not be participating in the development of any CN child's toilet training plan.

In Section 86580, the title "CRISIS DAY CARE SERVICES" is amended to "CRISIS DAY SERVICES" for consistency with H&S Code section 1516(e), as amended by AB 2228 (Chapter 735, Statutes of 2014).

Section 86580(a) is amended for consistency with H&S Code section 1516(e), which states, "Notwithstanding Section 1596.80, a crisis nursery may provide crisis day services for children under six years of age at the same site that it is providing crisis residential overnight services," and for consistency with Section 1596.792(n), which excludes CNs from application of the Child Day Care Facilities Act.

Section 86580(a)(1) is amended for consistency with H&S Code sections 1516(e)(1), (2) and (3), as amended by AB 2228 (Chapter 735, Statutes of 2014), and for internal consistency with Section 86524(e).

Section 86580(a)(2) is amended for consistency with H&S Code section 1516(f)(3).

Section 86580(a)(3) is deleted for consistency with H&S Code section 1516(h), as amended by SB 1214 (Chapter 519, Statutes of 2010) and AB 2228 (Chapter 735, Statutes of 2014), which no longer permit CNs to accept county placed children.

Section 86580(b) is amended for consistency with H&S Code section 1516(h)(1), as amended by AB 2228 (Chapter 735, Statutes of 2014), which changed the definition of "crisis day care" to "crisis day services."

Sections 86580(b)(1), (b)(1)(A), (b)(6)(B) and (b)(6)(10) are amended for consistency with H&S Code section 1516(h)(1), as amended by AB 2228 (Chapter 735, Statutes of 2014), which changed the definition of "crisis day care" to "crisis day services." As it is no longer appropriate to use the term "crisis day care," these instances referring to the facility in its capacity of providing day services have been changed to "crisis nursery."

Section 86587(h)(7) is amended for consistency with H&S Code section 1516(e) and for grammar. As it is no longer appropriate to use the term "crisis day care," instances referring to the facility in its capacity of providing day services have been changed to "crisis nursery." The phrase "for children receiving crisis day services" is added for consistency, with the description of "crisis day services" in statute.

Sections 86587.1(a) and (a)(1) are added for consistency with H&S Code section 1516(f)(1)(B), as amended by AB 2228 (Chapter 735, Statutes of 2014). Sections 86575(a) through (f) are re-lettered to (b) through (g) accordingly for clarity.

Section 86587.2(d) is amended for consistency with H&S Code section 1516(f)(1)(A), as amended by AB 2228 (Chapter 735, Statutes of 2014), and for internal consistency with Section 86528(a)(3).

Form LIC 9219 is amended as follows:

## **FRONT**

- The columns for "CWS" (County Welfare Services) and "Vol." (Voluntary) under the "24 hr." and "Crisis Day" headings are deleted for consistency with H&S Code sections 1516(h)(1) and (2), which defines crisis day services and crisis residential overnight programs as accepting only children who are voluntarily placed by a parent or legal guardian and (h)(3), which defines "voluntarily placed" as a child who is not receiving AFDC-Foster Care, placed by a parent or legal guardian who retains physical custody of and remains responsible for, the care of his or her children who are placed for temporary emergency care. The differentiation of "CWS" vs. "Vol." is no longer necessary as all children in residential or crisis day programs of the CN must be voluntarily placed and cannot be CWS placements receiving AFDC-Foster Care. Accordingly, the cells are merged, leaving columns for 24 hour and Crisis Day and the lines under the table for totals are also merged from 4 to 2.
- The heading "# of Days in Care" is replaced with "Length of Stay" for consistency with H&S Code section 1516(d) and to reflect the fact that length of stay limits are recorded in days for 24 hour care, per H&S Code section 1516(h)(2), and in hours for Crisis Day Services, per H&S Code section 1516(h)(1).
- "(Crisis Day Only)" is added to the heading "Exception Through" for clarity as statute [H&S Code section 1516(e)(1)] only allows exceptions for children receiving crisis day services.
- A column with the heading "Reason for Use" is added for consistency with H&S Code section 1516(d).
- "Authorized Representative" is changed to "Licensee or Designated Representative" for clarity. "Authorized representative" is a term commonly used in reference to an adult with authority over a child and is also used on the back of 9219 in reference to the licensing agency. This line, however, is meant (see existing instructions) for someone affiliated with the CN attesting to the accuracy of the information on the form.



- "Care" is replaced with "Services" for consistency with H&S Code section 1516(h)(1), which changed the definition of "crisis day care services" to "crisis day services."
- The revision date is updated from (10/06) to (3/16).

## BACK

- In the first paragraph, the reference "See 86561(o)" (a typographical error) is corrected to 86561(h) as follows: "Pursuant to California Code of Regulations, Title 22, Section 86561(h)...."
- Also in the first paragraph, "submit to the Department" is changed to "collect and maintain" for consistency with H&S Code section 1516(d), as amended by SB 1214 (Chapter 519, Statutes of 2010).
- Deleted from the end of the first paragraph is the phrase "and shall include whether each child is voluntarily placed by the parents/legal guardians or placed directly by the county welfare services agency and" for consistency with H&S Code sections 1516(h)(1-3) and reflecting the change on the front of the form striking "CWS" and "Vol." explained in the first bullet under "FRONT" above.
- Added at the end of the first paragraph is "the number of children receiving crisis day services, the reason given for use of the crisis nursery for each child, and the age of each child" for consistency with H&S Code section 1516(d) and current Section 86561(h).
- The first sentence of the second paragraph, "Monthly Report for the preceding month must be submitted to your local licensing regional office by the 5<sup>th</sup> of each month," is deleted for consistency with H&S Code section 1516(d). The SB 1214 (Chapter 519, Statutes of 2010) amended reporting requirements, no longer requiring the facility to submit monthly reports to CCL, but instead to collect and maintain specified information to be made available to CDSS upon request.
- "for at least three years" is added to the second paragraph for consistency with Section 86561(h)(4) in current regulations, renumbered to (h)(6) in this package. The words "be made" are added for clarity ("be made available for review upon request..").
- A period is added at the end of line 6 (DOB) for grammar.
- In line 7, "CWS/Vol" is deleted for consistency with H&S Code sections 1516(h)(1) and (2), which defines crisis day services and crisis residential overnight programs as accepting only children who are voluntarily placed by a parent or legal guardian and (h)(3), which defines "voluntarily placed" as a child, who is not receiving AFDC-Foster Care, placed by a parent or legal guardian who retains physical custody of, and remains responsible for, the care of his or her children who are placed for temporary emergency care. The differentiation of "CWS" vs. "Vol." is no longer necessary as all children in residential or crisis day programs of the CN must be voluntarily placed and cannot be CWS placements receiving AFDC-Foster Care. For the same reason, "whether the child is in placement for 24 hour care" is changed to "if the child is receiving 24 hour care," further in line 7, and the phrase "indicate with a check mark (✓) whether the child has been placed by the CWS agency or has been voluntarily (VOL.) placed by a parent/guardian" is deleted.
- In line 8, "CWS/Vol" is deleted for consistency with H&S Code sections 1516(h)(1) and (2), which define crisis day services and crisis residential overnight programs as accepting only children who are voluntarily placed by a parent or legal guardian and

(h)(3), which defines "voluntarily placed" as a child who is not receiving AFDC-Foster Care placed by a parent or legal guardian who retains physical custody of, and remains responsible for, the care of his or her children who are placed for temporary emergency care. The differentiation of "CWS" vs. "Vol." is no longer necessary as all children in residential or crisis day programs of the CN must be voluntarily placed and cannot be CWS placements receiving AFDC-Foster Care.

- Also in line 8, "whether the child is in Crisis Day Care" is changed to "if the child is receiving Crisis Day Services" and "...in the Crisis Day Care program, must sign their child in and out using the Crisis Day Care sign-in/sign-out sheet" is changed to "...in the Crisis Day program must sign their child in and out using the Crisis Day Services sign-in/sign-out sheet" for consistency with H&S Code section 1516(h)(1), which changed the definition of "crisis day care" to "crisis day services." A comma is also removed (between "program" and "must") for grammar.
- In line 11, "# of Days in Care" is replaced with "Length of Stay" for consistency with H&S Code section 1516(d) and to reflect the fact that length of stay limits are recorded in days for 24 hour care, per H&S Code section 1516(h)(2), and in hours for Crisis Day Services, per H&S Code section 1516(h)(1). For this reason and for clarity, "for 24 hour overnight care, or the number of hours the child received crisis day services" is added.
- In line 12, "(Crisis Day Only)" is added for clarity as statute [H&S Code section 1516(e)(1)] only allows for exceptions for children receiving crisis day services. The H&S Code section 1516(e)(1) also changed the exception limits, necessitating the change in line 12 from "...to allow a child to exceed the 14 day limitation" to "...to allow a child receiving crisis day services to exceed the limitation of 30 calendar days, maximum of 12 hours per day or a total of 360 hours, in a six month period..."
- In line 13, "Name and Title of Authorized Representative" is replaced with "Licensee or Designated Representative" for clarity. "Authorized representative" is a term commonly used in reference to an adult with authority over a child and is also used in these instructions to reference an individual representing the licensing agency. However, this line is meant (see existing instructions) for the individual attesting to the accuracy of the information on the form, in other words, someone affiliated with the CN. Missing words are also added for grammar, changing "Enter name and Title of individual..." to "Enter the name and title of the individual..."
- The revision date is updated from (10/06) to (3/16).

Form LIC 9219A is amended as follows:

## **FRONT**

- The title "CRISIS DAY CARE SIGN-IN/SIGN-OUT SHEET" is changed, replacing "CARE" with "SERVICES" for consistency with H&S Code section 1516(h)(1), as amended by AB 2228 (Chapter 735, Statutes of 2014), which amended the definition of "crisis day care" to "crisis day services."
- The revision date is updated from (10/06) to (3/1).

## BACK

- The title "CRISIS DAY CARE SIGN-IN/SIGN-OUT SHEET" is changed, replacing "CARE" with "SERVICES" for consistency with H&S Code section 1516(h)(1), which amended the definition of "crisis day care" to "crisis day services."
- In line 2, "dropped off" is changed to "accepted" for clarity and for consistency with current regulations. "Dropped off" may imply that a child is not brought in the facility and checked in by their parent or legal guardian. Current Section 86580(b)(6) requires licensees to have a written acceptance procedure and state that no child shall be accepted without contact between CN staff and the person bringing the child to the CN, who must remain until the child is accepted.
- In line 3, "left" is changed to "accepted" for the same reason as "dropped off" is changed to "accepted" in line 2.
- In lines 2-6, references to "Crisis Day Care" are changed to "Crisis Nursery" and "Crisis Nursery for crisis day services" for consistency with the definition in H&S Code section 1516(h)(1).
- The revision date is updated from (10/06) to (3/1).